

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 Scott Johnson, et al.,

8 Plaintiffs,

9 v.

10 Jonathan Bernstein, et al.,

11 Defendants.

Case No. 2:13-cv-00641-RFB-NJK

ORDER ADOPTING REPORT AND  
RECOMMENDATION

12  
13 Before this Court is the Report and Recommendation of United States Magistrate Judge  
14 Nancy J. Koppe, ECF No. 103, recommending 1) that Plaintiff's Notice of Non-opposition, ECF  
15 No. 97, be construed as a Notice of Dismissal regarding nominal Defendant Michael Scheidler  
16 pursuant to Fed. R. Civ. P. Rule 41(a)(1)(A), 2) that the Motion to Quash, ECF No. 78, be denied  
17 as moot, and 3) that the Motion to Dismiss, ECF No. 79, be denied as moot. No objection was  
18 filed to Magistrate Judge Koppe's Report and Recommendation in accordance with Local Rule  
19 LR IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada.  
20 See also 28 U.S.C. § 636(b)(1).

21 A district court "may accept, reject or modify, in whole or in part, the findings or  
22 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); LR IB 3-2(b). If a  
23 party timely objects to a magistrate judge's report and recommendation, then the court "shall  
24 make a de novo determination of those portions of the [report and recommendation] to which  
25 objection is made." 28 U.S.C. § 636(b)(1); LR IB 3-2(b). If a party fails to object, however, the  
26 court is not required to conduct any review at all. Thomas v. Arn, 474 U.S. 140, 149 (1985);  
27 United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) ("[T]he district judge must  
28 review the magistrate judge's findings and recommendations de novo if objection is made, but

1 not otherwise. . . . Neither the Constitution nor the statute requires a district judge to review, de  
2 novo, findings and recommendations that the parties themselves accept as correct.”). Thus,  
3 absent an objection to a magistrate judge’s recommendation, a court may accept the  
4 recommendation without review.

5 Here, it has been eight months since the Report and Recommendation was issued and no  
6 objection has been filed, which relieves this Court of its obligation to review Judge Koppe’s  
7 Report and Recommendation. However, the Court has reviewed the matter nonetheless and  
8 finds that Plaintiff’s Notice of Non-opposition, ECF No. 97, is properly construed as a Notice of  
9 Dismissal pursuant to Fed. R. Civ. P. Rule 41(a)(1)(A) and that Michael Scheidler is  
10 consequently properly dismissed.

11 IT IS THEREFORE ORDERED that the Magistrate Judge’s Report and  
12 Recommendation entered May 7, 2014, ECF No. 103, is ACCEPTED and ADOPTED.  
13 Defendant Michael Scheidler is accordingly DISMISSED, and the Motions to Quash and to  
14 Dismiss, ECF Nos. 78, 79, are DENIED as moot.

15 DATED: January 20, 2015.



---

RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE